

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

REMARKS

In view of the preceding amendments and the following remarks, the Applicants respectfully request reconsideration of the present application.

Objections and Rejections

The Office Action dated February 28, 2005:

1. objects that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 because allegedly;
 - a. the later-filed application is not an application for a patent for an invention which is also disclosed in the prior application; and
 - b. this application repeats a substantial portion of prior Application No. 10/012,799, filed 11/03/2001, and adds and claims additional disclosure not presented in the prior application;
2. objects to the drawings under 37 CFR 1.83(a) allegedly because the drawings do not show every feature of the invention specified in the claims:
 - a. regarding claims 40 and 67, no illustration occurs for the use of a clamp to secure portions of a trawl which include a first product strand with a

Appl. No. 10/802,505

Response Dated July 25, 2005

Reply to February 28, 2005, Office Action

core strand enclosed within a sheath and a second strand;

- b. regarding claims 43 and 70, no loop is being shown in the figures as being used with the clamp to secure a first product strand including a core strand enclosed within a sheath;
 - c. regarding claims 44 and 71, none of the figures show a second loop which is formed at an end of the second product strand forming the second mesh bar and which passes through the first loop;
- 3. objects to the specification alleging that it does not contain specific details with regard to a trawl comprising at least a portion of at least a first mesh bar including a first product strand having a core product strand enclosed by a sheath and a mechanical connection comprising a clamp which couples this first strand to a second product strand;
 - 4. rejects claims 40-59 and 67-77 under 35 U.S.C. § 112, first paragraph, alleging that they fail to comply with the enablement requirement thereof;
 - 5. rejects claims 40-42, 54 and 55 under 35 U.S.C. § 103(a) as being unpatentable over:

Appl. No. 10/802,505

Response Dated July 25, 2005

Reply to February 28, 2005, Office Action

- a. United States Patent No. 4,466,331 entitled "Method of Forming Twisted Multiple Strand Synthetic Twine, Twines Produced Thereby, and Fishnets Formed Thereof" which issued August 21, 1985, on an application filed by Mackenzie W. Matheson ("the Matheson patent"); in view of
 - b. United States Patent No. 1,552,269 entitled "Apparatus and Process for Making Fishing Nets" which issued September 21, 1925, on an application filed by Walter C. Bocker ("the Bocker patent");
6. presuming that the present application properly is a continuation-in-part of prior United States patent application Serial no. 10/012,799, rejects claims 40-42, 54, 55, 67-69, 72, 73 under 35 U.S.C. § 103(a) as being unpatentable over:
- a. Japanese Pat. No. 2000-262183 entitled "Fishing Net Using Braid and Fishing Method Using the Net" published September 26, 2000, on an application filed in the name of Yasuo Kumazawa ("the Kumazawa publication"); in view of
 - b. the Bocker patent.

Appl. No. 10/802,505
Response Dated July 25, 2005
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Description of the Amendments

In the Claims

Claims 44 and 71, together with claims 58, 59, 76 and 77 depending therefrom, have been canceled. Because claims 44, 58, 59, 71, 76 and 77 have been cancelled, the objection to claims 44 and 71 under 37 C.F.R. § 1.83(a), which appears on pages 5 and 6 of the February 28, 2005, Office Action, is now moot.

In the Specification

One (1) paragraph being amended on page 9, one (1) paragraph being amended on page 10, and five (5) new paragraphs being added to page 10 accommodate the addition of new drawing sheet 20 presented in this Response. Other than for amending figure numbers to conform with those appearing on new drawing sheet 20, the texts of the five (5) new paragraphs being added to page 10 are word-for-word identical to five (5) paragraphs which begin on page 10 at line 19 and end on page 11 at line 3 in PCT International Patent Application Publication Number WO 97/13407. For the reasons appearing in the "Introductory Remarks" of this Response, due to the incorporation by reference of PCT International Patent Application Publication Number WO 97/13407 in this patent application, these amendments to pages 9 and 10 of the patent application add no new matter.

Appl. No. 10/802,505
Response Dated July 25, 2005
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This Response also adds, to the patent application's text at the bottom of page 12, a new paragraph which describes FIGs. 30A through 30E appearing on the new drawing sheet 20. The text of this new paragraph reproduces the paragraph which begins on page 18 at line 11 in PCT International Patent Application Publication Number WO 97/13407 amending the figure and reference numbers appearing there to conform with those appearing on new drawing sheet 20. For the reasons appearing in the "Introductory Remarks" of this Response, due to the incorporation by reference of PCT International Patent Application Publication Number WO 97/13407 in this patent application, the addition of the new paragraph to page 12 of this patent application adds no new matter.

In the Drawings

The accompanying drawing sheet 20 is being added to those already included in the patent application. New drawing sheet 20 reproduces exactly drawing sheet 3 from PCT International Patent Application Publication Number WO 97/13407 except that, to conform with the text of the paragraph set forth above which is being added to page 12 of the specification following line 38 thereof:

1. figure numbers have been amended by adding twenty-one (21) to the figure numbers appearing in PCT International Patent Application Publication Number WO 97/13407;

Appl. No. 10/802,505

Response Dated July 25, 2005

Reply to February 28, 2005, Office Action

2. reference numbers, except for reference number 58, have been amended by adding twenty (20) to the reference numbers appearing in PCT International Patent Application Publication Number WO 97/13407;
3. reference number 58 has been amended to reference number 30, i.e. the reference number used for a mesh cell in the present patent application; and
4. reference numbers and symbols have been deleted which do not appear in the text of:
 - a. the paragraph set forth above which is being added to page 12 of the specification following line 38 thereof; or
 - b. the text of the pending application as originally filed on March 16, 2004, including the Preliminary Amendment thereof.

For the reasons appearing in the "Introductory Remarks" of this Response, due to the incorporation by reference of PCT International Patent Application Publication Number WO 97/13407 in this patent application, adding drawing sheet 20 to this patent application adds no new matter.

The Cited References

The Matheson Patent

The Matheson patent discloses:

a composite multiple strand or filament twisted fishnet twine which includes a plurality of relatively fine, small diameter synthetic filaments which may be on the order of 210 denier and which are twisted together in one of an "S" or a "Z" configuration to form a first multiple filament "B" strand. The "B" strand is thereafter twisted with a plurality of relatively thick monofilament "A" strands formed of synthetic material using a twist which is opposite to that of the "B" strand, i.e. either a "Z" or an "S" twist, thereby forming a coreless twine in which:

1. all of the "A" and "B" strands are of equal length per unit length of the twine; and
2. the individual fibers and are all exposed on the outer surface of the twine along substantially the entire lengths of the individual fibers. (Abstract)

The Bocker Patent

The Bocker patent discloses:

manufacturing fishing nets wherein threads of the netting are united by means of clamps and preferably by means of metallic wire clamps. Using the disclosed mode of connection, thick threads may be employed which are unsuitable for being knotted and even stranded wire can be used.

The Kumazawa Publication

The Kumazawa publication discloses:

a trawl made with braided ropes which include at least one larger diameter strand together with a plurality of finer strands which are smaller in diameter than the

Appl. No. 10/802,505
Response Dated July 25, 2005
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larger diameter strand. When included in a trawl and towed through a water entrained environment braided, ropes made in this way exhibit either a lift or a sink depending on the directions in which the larger diameter strand spirals along the length of the braided rope.

Argument

Applicants respectfully submit that for the reasons set forth below the claims now pending in this patent application traverse all bases for rejection and objection set forth in the Office Action dated February 28, 2005.

The Pending Claims Traverse Both Objection and Rejection Based Upon the Parent Application's Disclosure

As summarized in items nos. 1-4 above, the February 28, 2005, Office Action objects to the specification and drawings, and rejects claims 40-59 and 67-77 alleging, basically, that the pending claims encompass subject matter not disclosed or depicted in the parent patent application.

Applicants respectfully submit that the footnotes appearing in Appendix I to this Response conclusively establish factually that the claims now pending in this patent application as amended by this Response find full and complete support in the text and drawings of this patent application as amended by this Response.

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

Furthermore, based upon the parent patent application's express incorporation by reference of published Patent Cooperation Treaty ("PCT") International Patent Application, International Publication Number WO 97/13407, International Publication Date 17 April 1997, for the reasons appearing in the Introductory Remarks of this Response Applicants respectfully submit that the present patent application is entitled to the full disclosure of that PCT patent application. Accordingly, based both upon the evidence provided by Appendix I hereto and because the present patent application is entitled to the full disclosure of PCT International Patent Application Publication Number WO 97/13407, Applicants respectfully request withdrawal of:

1. the objection that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120;
2. the objections to the drawings under 37 CFR 1.83(a);
3. the objection to the specification because it allegedly fails to disclose a trawl comprising at least a portion of at least a first mesh bar including a first product strand having a core product strand enclosed by a sheath and a mechanical connection comprising a clamp which couples this first strand to a second product strand; and

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

4. the rejection of claims 40-59 and 67-77 under 35 U.S.C. § 112, first paragraph, because the specification, in fact, complies with the enablement requirement thereof.

**Claims 40-42, 54 and 55
Traverse Rejection Based
Upon the Matheson Patent in
View of the Bocker Patent**

The composite multiple strand or filament twisted fishnet twine disclosed in the text and/or drawings of the Matheson patent fails to disclose or suggest a sheath such as the present application's:

1. sheath 401 depicted in FIG. 14;
2. sheath 411 depicted in FIG. 15; and
3. sheath 420 depicted in FIG. 16.

The Bocker patent also fails to disclose a sheath such as that disclosed in the present application.

Because both the Matheson and Bocker patents fail to disclose or suggest a sheath as disclosed in the present application, claims 40-42, 54 and 55 traverse rejection under 35 U.S.C. § 103(a) based upon the Matheson patent in view of the Bocker patent. Accordingly, Applicants respectfully request that:

1. the rejection of claims 40-42, 54 and 55 based upon the Matheson patent in view of the Bocker patent be withdrawn; and

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

2. claims 40-42, 54 and 55, together with all claims depending therefrom, be declared allowable.

**Claims 40-42, 54, 55, 67-69, 72
and 73 Traverse Rejection Based
Upon the Kumazawa Publication
in View of the Brocker Patent**

The braided rope which includes at least one larger diameter strand together with a plurality of finer strands which are smaller in diameter than the larger diameter strand disclosed in the text and/or drawings of the Kumazawa publication fails to disclose or suggest a sheath such as the present application's:

1. sheath 401 depicted in FIG. 14;
2. sheath 411 depicted in FIG. 15; and
3. sheath 420 depicted in FIG. 16.

As stated previously, the Brocker patent also fails to disclose a sheath such as that disclosed in the present application.

Regardless of whether the present application is either a continuation application or a continuation-in-part application of the parent application, because both the Kumazawa publication and the Brocker patent fail to disclose or suggest a sheath as disclosed in the present application, claims 40-42, 54, 55, 67-69, 72 and 73 traverse rejection under 35 U.S.C. § 103(a) based upon the Kumazawa publication in view of the Brocker patent. Accordingly, Applicants respectfully request that:

Appl. No. 10/802,505

Response Dated July 25, 2005

Reply to February 28, 2005, Office Action

1. the rejection of claims 40-42, 54, 55, 67-69, 72 and 73 based upon the Kumazawa publication in view of the Brocker patent be withdrawn; and
2. claims 40-42, 54, 55, 67-69, 72 and 73, together with all claims depending therefrom, be declared allowable.

Conclusion

For the reasons set forth above, Applicants respectfully submit that the present application, as amended by this Response, traverses:

1. the objection that Applicants have not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120;
2. the objections to the drawings under 37 CFR 1.83(a); and
3. the objection to the specification because it allegedly fails to disclose a trawl comprising at least a portion of at least a first mesh bar including a first product strand having a core product strand enclosed by a sheath and a mechanical connection comprising a clamp which couples this first strand to a second product strand.

Furthermore, for the reasons set forth above Applicants respectfully submit that claims 40-59 and 67-77 traverse rejection under 35 U.S.C. § 112, first paragraph, because the specification

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

as amended by this Response, in fact, complies with the enablement requirement thereof.

Moreover, for the reasons set forth above Applicants respectfully submit that claims 40-42, 54 and 55 traverse rejection under 35 U.S.C. § 103(a) based upon the Matheson patent in view of the Brocker patent.

Finally, for the reasons set forth above Applicants respectfully submit that claims 40-42, 54, 55, 67-69, 72 and 73 traverse rejection under 35 U.S.C. § 103(a) based upon the Kumazawa publication in view of the Brocker patent.

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Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

Consequently, Applicants respectfully submit that, after entry of amendments set forth in this Response, claims 40-43, 45-57, 67-70 and 72-75 now pending in this patent application traverse all bases for objection and rejection appearing in the February 28, 2005, Office Action. Accordingly, Applicants respectfully request that claims 40-43, 45-57, 67-70 and 72-75 now pending in this patent application, after entry of amendments set forth in this Response, be declared allowable, and that this patent application pass promptly to issue.

Respectfully submitted


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Dated: 25 July, 2005

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Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

Amendments to the Drawings

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2. reference numbers, except for reference number 58, have been amended by adding twenty (20) to the reference numbers appearing in PCT International Patent Application Publication Number WO 97/13407;
3. reference number 58 has been amended to reference number 30, i.e. the reference number used for a mesh cell in the present patent application; and
4. reference numbers and symbols have been deleted which do not appear in the text of:
 - a. the paragraph set forth above which is being added to page 12 of the specification following line 38 thereof; or

Appl. No. 10/802,505
Response Dated July 25, 2005
Reply to February 28, 2005, Office Action

- b. the text of the pending application as originally filed on March 16, 2004, including the Preliminary Amendment thereof.

Attachment: New drawing sheet 20
Annotated sheet indicating changes from drawing sheet 3 of PCT International Patent Application Publication Number WO 97/13407.

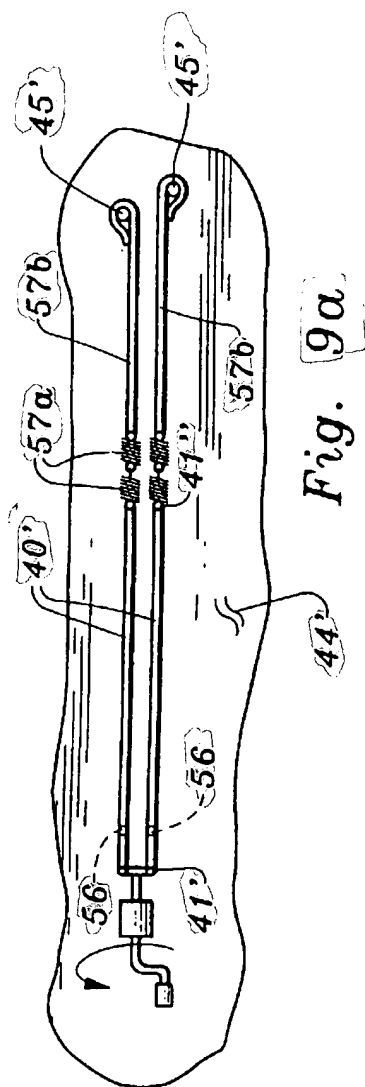


Fig. 9a

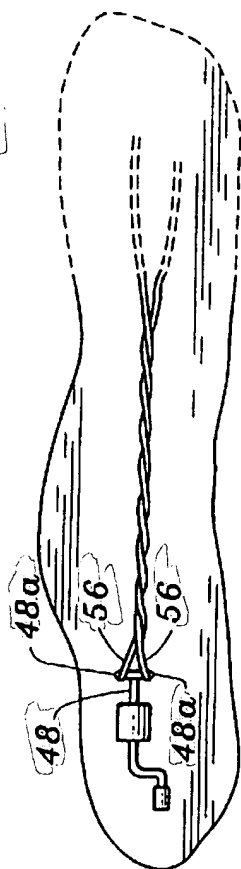


Fig. 96.

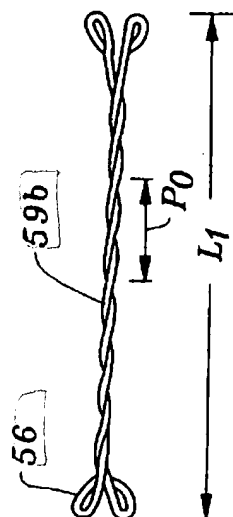


Fig. 9d.

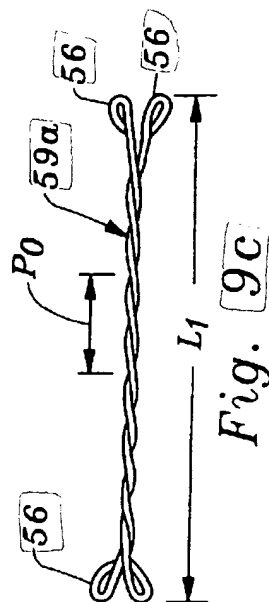


Fig. 9c

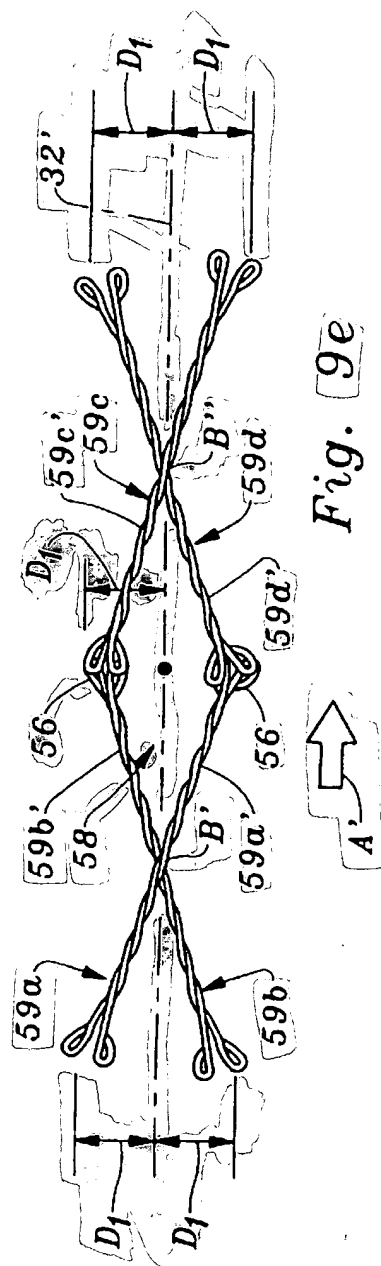


Fig. 9e